

# GERAGOS & GERAGOS

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June 11, 2018

Honorable P. Kevin Castel, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 24B  
New York, NY 10007

**Re: In Re Fyre Festival Litigation, 17-cv-3296 (PKC)**

Dear Judge Castel:

Counsel for Plaintiffs filed a response today (ECF Dkt. No. 53) to the June 5, 2018 pre-motion letter from counsel for defendant Jeffrey Atkins a/k/a Ja Rule ("Defendant" or "Ja Rule") in which Ja Rule sought leave to file a 12(b)(6) motion to dismiss the Consolidated Amended Complaint ("CAC"). In the response letter, Plaintiffs set forth arguments as to why each cause of action in the CAC states a claim against Defendant. However, to eliminate or streamline motion practice (and per Your Honor's direction at the preliminary conference and Your Honor's Rule 4(A)(v)), in the response letter (p. 5), Plaintiffs sought leave to file an amended CAC by June 25, 2018. The next pre-trial conference is scheduled for November 30, 2018.

Your Honor issued an order (ECF Dkt. No. 52) setting a briefing schedule for a motion to dismiss the current CAC before Plaintiffs' timely responsive letter was docketed today.

Plaintiffs respectfully request that Court consider and grant Plaintiffs' request to file an amended CAC by June 25, 2018. The Court counseled at the preliminary conference that parties should consider amending pleadings where possible to avoid or streamline motion practice. In accordance with Your Honor's direction, that is what Plaintiffs request to do.

If, however, the Court does not allow leave to amend, Plaintiffs propose that Defendant's moving papers on his 12(b)(6) motion to dismiss be filed by July 11, 2018, Plaintiffs' opposition papers be filed by August 10, 2018, and Defendant's reply papers be filed by August 24, 2018. This briefing proposal is being made to allow defendant Grant Margolin time to join in the briefing if he chooses. Defendant Grant Margolin, who was a defendant in one of the underlying actions, but not all, is now a defendant in this consolidated action and it is anticipated that he will be participating in the litigation. Thus, this proposed schedule could preserve judicial resources and create efficiency of briefing. The proposed briefing schedule also addresses professional obligations and scheduling issues of the undersigned over the next sixty (60) or so days.

Thank you for your consideration of this request.

Respectfully,

*/s/ Lori G. Feldman*

Lori G. Feldman (LGF- 3478)

Lead Counsel for Plaintiffs

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Grant Margolin